

**111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.7113 of 2015

Date of Decision: October 21, 2015

Naib Mohammad

.... Petitioner

vs.

Mohd. Rafiq and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Naiya Gill, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Mr. Anil Kumar Garg, Advocate has put in appearance on behalf of respondent No.1-Caveator.

Impugned in the present revision petition is the order dated 16.09.2015 (Annexure P-15) passed by learned Addl. District Judge, Sangrur, affirming the order dated 09.09.2014 (Annexure P-8) passed by learned Civil Judge (Jr. Divn.), Malerkotla, vide which the application of the petitioner-plaintiff filed under Order XXXIX, Rule 1 and 2 CPC for restraining defendant No.1 from interfering in the peaceful possession over the house situated in the Lal Lakir and further restraining defendant No.1 from opening any gate in house of the plaintiff by breaking the intervening wall between the house of the plaintiff and defendant No.1 at point mark A to B as shown in the site plan mark 'X' was dismissed on the ground that the plaintiff-petitioner

has failed to prove his ownership and also failed to prove the prime facie case. The findings were affirmed in appeal.

After hearing learned counsel for the parties, I am of the view that while exercising the revisional powers, there is no ground to interfere in discretionary powers of both the courts below refusing the interim stay regarding the interference in the possession of the plaintiff over the house and opening of the gate. Both the courts below have considered all the facts and refused the injunction.

Thus, there is no ground to interfere in the impugned orders.

Hence, the present revision petition stands dismissed.

October 21, 2015
sarita

(KULDIP SINGH)
JUDGE